

REMARKS

Claims 1-3 and 7-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sasaki (U.S. Patent No. 6,996,240) (hereinafter "Sasaki"). Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of Ouchi et al. (U.S. Patent No. 6,072,879) (hereinafter "Ouchi").

The Office Action asserts that all of the features of independent claims 1, 9 and 11 are anticipated by Sasaki. Such an assertion is respectfully traversed for at least the following reasons. Applicant respectfully submits that each of independent claims 1, 9 and 11 include features of to divide an inputted signal into a signal component falling into a one fixed-level band and one or more signal components falling into one or more variable-level bands, to estimate a relative level of the signal component in each variable-level band on the basis of a level of the signal component in the fixed-level band in the target frequency characteristic, and to adjust the level of the signal component of each variable-level band of the signal based on the estimated relative level.

On the other hand, Applicant respectfully submits that the applied Sasaki reference discloses that a signal from a sound source 2 is stored in a memory 34, sound from a speaker 5 is collected by a microphone 6, and the signal stored in the memory 34 and a signal from the microphone 6 are compared with each other in a successive comparison analysis part 37.

As Applicant compares claims 1, 9 and 11 of the instant application with the applied Sasaki reference, Applicant respectfully submits that Sasaki discloses a comparison between a signal from a sound source and a signal from a microphone. Applicant respectfully submits that Sasaki does not disclose, or even suggest, the features of independent claims 1, 9 and 11, for

example, of to divide an inputted signal into a signal component falling into a one fixed-level band and one or more signal components falling into one or more variable-level bands.

In other words, independent claims 1, 9 and 11 include features of to divide an inputted signal into a signal component falling into a one fixed-level band and one or more signal components falling into one or more variable-level bands to estimate a relative level of the signal component in each variable-level band on the basis of a level of the signal component in the fixed-level band in the target frequency characteristic; and to adjust the level of the signal component of each variable-level band of the signal based on the estimated relative level. Applicant respectfully submits that at least such features of independent claims 1, 9 and 11 of the instant application are not disclosed, or even suggested, in Sasaki. Accordingly, the combinations of features described in independent claims 1, 9 and 11 of the instant application are different from the disclosure of Sasaki and are thus not anticipated by Sasaki.

The Office Action asserts that all of the features of independent claims 3, 10 and 12 are anticipated by Sasaki. Such an assertion is respectfully traversed for at least the following reasons.

Applicant respectfully submits that claims 3, 10 and 12 of the instant application include features of to divide an inputted audio signal into a signal component falling into one fixed-level band and one or more signal components falling into one or more variable-level bands, and to adjust levels of the signal components in only the variable-level bands of the audio signal, wherein a predetermined frequency band in which changes in sound pressure are sensitive to human audibility is assigned to the fixed-level band.

As Applicant compares claims 3, 10 and 12 of the instant application with the applied Sasaki reference, Applicant respectfully submits that Sasaki discloses a comparison between a signal from a sound source and a signal from a microphone. Applicant respectfully submits that Sasaki does not disclose, or even suggest, the features of independent claims 3, 10 and 12, for example, of to divide an inputted audio signal into a signal component falling into one fixed-level band and one or more signal components falling into one or more variable-level bands.

In other words, independent claims 3, 10 and 12 include features of to divide an inputted audio signal into a signal component falling into one fixed-level band and one or more signal components falling into one or more variable-level bands and to adjust levels of the signal components in only the variable-level bands of the audio signal, wherein a predetermined frequency band in which changes in sound pressure are sensitive to human audibility is assigned to the fixed-level band.

Applicant respectfully submits that at least such feature of independent claims 3, 10 and 12 of the instant application are not disclosed, or even suggested, in Sasaki. Accordingly, the combinations of features described in independent claims 3, 10 and 12 of the instant application are different from the disclosure of Sasaki and are thus not anticipated by Sasaki.

Accordingly, Applicant respectfully asserts that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because Sasaki does not teach or suggest each feature of independent claims 1, 3, 9, 10, 11 and 12. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2

USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP § 2143.03 instructs that "[t]o establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claim 1, and the reasons set forth above. Moreover, the additionally applied reference to Ouchi, with respect to claims 4-6, does not cure the deficiencies discussed above with regard to Sasaki.

CONCLUSION

In view of the foregoing, Applicant submits that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution. A favorable action is awaited.

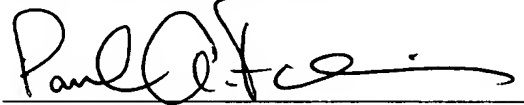
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0573. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: January 22, 2007

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